IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Rishabh Vs. State of Rajasthan & Anr.

S.B.CR.MISC. PETITION NO.1252/2006

DATE OF ORDER :: July 19, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr. Niranjan Singh, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for the State.
None present for respondent No.2 though served.

BY THE COURT:

This criminal misc. petition under section 482 Cr.P.C. is directed against the order dt. 26.8.2006 passed by Additional Sessions Judge No.1, Udaipur (for short 'the appellate court' hereinafter), whereby the appellate court allowed the application filed by respondent No.2 Sohan Lal in Cr.Appeal No.40/2006 and sent the cheque Ex.1 to the Forensic Science Laboratory and handwriting expert to examine the handwriting on the cheque as to whether it is of appellant Sohan Lal or petitioner Rishabh Lal and submit the report. The order is of dt. 26.8.2007.

The petition was filed on 13.9.2006. There had not been any interim order. The appellate court already sent Ex.1 for the opinion of the handwriting exert and by now the opinion might have been received. Even otherwise, the appellate court thought it fit to secure the ends of justice and in order to come to just conclusion, sought the opinion of the handwriting expert. In my view, it cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of any Court.

Consequently, the petition fails and is hereby dismissed.

[H.R.PANWAR],J.

m.asif/-